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September 29, 1995

**Via Hand Delivery**

Rosalind K. Allen, Esq.  
Chief, Commercial Radio Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
2025 M Street, NW, Room 7002  
Washington, DC 20554

**Re: PR Docket No. 93-144; Revised Regulatory Framework for Licensing 800 MHz Specialized Mobile Radio ("SMR") Systems; Further Supplemental Comments of Pittencrieff Communications, Inc.**

Dear Ms. Allen:

This letter supplements my correspondence to you of today and follows up our meeting of this morning concerning the position of Pittencrieff Communications, Inc. on various issues involved in the above-referenced proceeding. In particular, you asked for additional information concerning Pittencrieff's position on the licensing of 800 MHz SMR channels in the Mexican border area.

There are three Mexican border BEAs in which Pittencrieff currently serves a significant number of subscribers. Those BEAs are:

Tucson, Arizona (BEA No. 159);  
El Paso, Texas (BEA No. 157; and  
San Angelo, Texas (BEA No. 129)

In each of these BEAs, the population is concentrated south of line C (within 112 km of the U.S./Mexican border). Accordingly, the majority of the population can be served only by offset SMR channels specified by Section 90.619 (a) of the regulations. PCI notes that there are other BEAs in which it does not provide significant service, where the majority of the population of the BEA is located south of line C:

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San Diego, California (BEA No. 161);  
McAllen/Edinburgh/Mission, Texas (BEA No. 133); and potentially  
Corpus Christi, Texas (BEA No. 132).

For all of the BEAs enumerated above, auctioning the upper 200 SMR channels will be largely meaningless. As the Commission notes in the Further Notice of Proposed Rule Making in Docket No. 93-144 <sup>1/</sup> in the Mexican border area SMR channel availability is limited to only 30 of the upper 200 channels. The remaining 65 offset channels available for SMR use in the border areas (for a total of 95) are comprised of channels offset from the lower 80 SMR channels (5) and non-SMR channels (60). Because the Further Notice envisioned the auctioning of channels on an MTA basis, which would have permitted the use of non-border primary channels throughout a broad geographic area, the FCC's original proposal was meaningful. However, because the Commission is now likely to adopt BEA based licensing, geographic SMR authorizations for primary channels in the areas referenced above would not be useful.

PCI understands that the Commission will likely auction the upper 200 SMR channels in blocks of 20, 60, and 120 channels. The offset channels available in the border area are not contiguous. They are arranged in 5-channel groupings offset from various channels between 429 through 599. Accordingly, it is likely that the three channel blocks proposed for auctioning in non-border areas will each contain some, but certainly not all of the 30 SMR offsets.

Accordingly, PCI recommends that the Commission conduct the BEA based auction as proposed, for the 200 upper SMR channels. Auction winners in border areas will then be entitled to employ the SMR border channels that are offset from any upper 200 SMR channels that are contained within the block for which an applicant has successfully bid. In addition, a winning BEA licensee should also be able to add to its BEA authorization any other offset border channels (whether or not SMR offset border channels) for which it is licensed. Accordingly, the BEA winner could apply to the Commission to supplement its BEA license in the border area so that it may be able to use border frequencies for which it is already licensed on a BEA basis (as permitted by treaty and protecting incumbents to the extent that they exist).

The following example helps illustrate PCI's position. For purposes of this discussion, PCI assumes that the upper 200 channels will be auctioned in the following blocks:

Block 1	Channels 401 - 420
Block 2	Channels 421 - 480
Block 3	Channels 481 - 600

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<sup>1/</sup> In the matter of Amendment of Part 90 of the Commission's Rules, to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band, Further Notice of Proposed Rule Making, FCC Docket No. 93-144 (FCC 94-271) released November 4, 1994 at ¶ 27.

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If a successful bidder secures the use of Block 3 in the El Paso BEA, it would be entitled to 18 of the 30 channels that are offset from the upper 200 channels (offset channels 509, 511, 513, 515, 517, 519, 549, 551, 553, 555, 557, 559, 589, 591, 593, 595, 597, and 599). If the auction winner was also previously licensed on offset group numbers 228, 229, 230, 231 (SMR offset groups not offset from primary SMR channels) and offset group numbers 220, 221, 421, and 423 (Business Radio Service offset groups), it should be able to employ all of those channels throughout the BEA area as limited only by treaty obligations and co-channel licensees. PCI would not propose that there be mandatory retuning for incumbent non-SMR licensees. However, to the extent that there are not co-channel users on non-SMR offset groups in border areas, the BEA licensee should be able to employ those channels on a geographic, rather than site specific basis. Using this example, in any areas 110 kilometers north of the U.S./Mexico border contained within the BEA, the BEA winner would be able to employ the channels upon which it was the successful bidder (channels 480 - 600) but would not be able to employ any of the offset channels.

PCI sees the above approach as the only feasible method by which licensees in the border area can secure sufficient spectrum. Should you have any questions concerning this proposal, however, please let us know.

Cordially yours.



Russell H. Fox

RHF:df

cc: William F. Caton,  
Acting Secretary (for inclusion in FCC Docket No. 93-144)